

MEMO ENDORSED



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July 22, 2020

BY ECF

Honorable Judge Valerie E. Caproni
United States District Judge
United States District Court
Southern District of New York
40 Foley Square
New York, NY 10007

Re: Zahirah Medina v. City of New York, et al.,
20 Civ. 797 (VEC)

Your Honor:

I am an Assistant Corporation Counsel assigned to the defense of the City of New York ("City") in the above-referenced matter. I write jointly with plaintiff to request a 30-day enlargement of time for the City to respond to the Complaint, from July 24, 2020, until August 24, 2020. Further, the parties request that the Court will apply this enlargement *sua sponte* to the named defendant, Officer Christopher Wintermute. Additionally, the parties request an adjournment of the Initial Conference, currently set for July 31, 2020 at 10:00 a.m., and of the joint submission currently due on July 23, 2020, to a date convenient to the Court after August 24, 2020. This is the defendant's third request for an enlargement of time and to adjourn the Initial Conference. The two previous requests to adjourn the conference and answer deadlines were also made due to plaintiff's inability to provide the necessary releases so that defendant could investigate the Complaint. Plaintiff consented to defendant's two previous requests and joins in this request.

The reason this application is necessary is because plaintiff was previously unable to secure notarization of the releases due to the COVID-19 shutdown. Plaintiff was only recently

able to notarize the releases. Plaintiff mailed the original releases to defendant on July 12, 2020¹, and provided a copy of the original via email on July 17, 2020 so that defendant may investigate the allegations in the Complaint. Pursuant to Local Rule 83.10 of the Southern District of New York, defendant's deadline to answer is 80 days after the service of the proper releases upon defendant. See S.D.N.Y. Local Civil Rule 83.10(3). As a result, pursuant to the Plan, defendants' answer obligation would be October 5, 2020. However, in an effort to avoid further unnecessary delay, defendants are only seeking an Order setting the answer deadline on August 24, 2020.

Further, as set forth in defendant's previous enlargement requests, an enlargement is necessary as, in accordance with this Office's obligations under Rule 11 of the Federal Rules of Civil Procedure. Defendant needs time to investigate the allegations of the Complaint in order to effectively respond thereto.

Accordingly, the parties respectfully request that the Court extend City defendants' time to respond to the Complaint from July 24, 2020, until August 24, 2020, and adjourn the Initial Conference, currently scheduled for July 31, 2020 at 10:00 a.m., to a date convenient to the Court after August 24, 2020.

Thank you for your consideration herein.

Respectfully submitted,

/s/ Giancarlo Martinez

Giancarlo Martinez
Assistant Corporation Counsel
Special Federal Litigation Division

cc: All Counsel of Record (via ECF)

Application GRANTED. Defendants' time to respond is extended to **August 24, 2020**. The initial pretrial conference currently scheduled for July 31, 2020 is adjourned to **September 4, 2020 at 10:00 a.m.** The parties' joint submissions are due by **August 27, 2020**.

SO ORDERED.



HON. VALERIE CAPRONI
UNITED STATES DISTRICT JUDGE

7/22/2020

¹ Because the New York City Law Department continues to operate remotely, the undersigned never received these mailed releases.